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AZ CORP COMMISSION  
DOCUMENT CONTROL

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Bobbie Jo Swartz, Pro Se  
9611 East Gary Road  
Scottsdale, AZ 85260  
TELEPHONE: (480) 221-7512  
(480) 607-3196  
FAX: (480) 348-1787

**BEFORE THE ARIZONA CORPORATION COMMISSION**

In the matter of:

NON-STOP SHOPPING.COM,  
INC.  
d/b/a 2C2K.COM, INC.  
4757 East Greenway Road  
Phoenix, Arizona 85032

DONALD L. LEVINE  
2 West Waltann Lane  
Phoenix, Arizona 85023

KENNETH MARK DEUBNER  
7911 East Princess Drive,  
#1249  
Scottsdale, Arizona 85255

STEPHEN ROSENBAUM  
6801 East Evans Drive  
Scottsdale, Arizona 85254

BOBBIE JO SWARTZ  
6801 East Evans Drive  
Scottsdale, Arizona 85254

Respondents.

Docket No. S-03427A-02-  
0000

**MOTION OF RESPONDENTS  
ROSENBAUM AND SWARTZ FOR  
ORDER CONTINUING DATE  
OF HEARING**

Arizona Corporation Commission  
**DOCKETED**

**MAR 24 2003**

DOCKETED BY

Respondents Stephen Rosenbaum and Bobbie Jo Swartz  
respectfully request an Order continuing the hearing that is

1 presently scheduled for March 26, 2003 to July 2003. The  
2 reasons for this request are as follows:

3 1. Respondents had tentatively hired attorney Richard  
4 L. Brooks to represent them at the hearing contingent upon  
5 his determination of whether a conflict of interest or any  
6 ethical issues precluded his representation. A copy of his  
7 letter to Securities Division Attorney Kathleen C. DeLaRosa  
8 is attached to this Motion.

9 2. Mr. Brooks has become General Counsel to Level X  
10 Media Corporation, a new company located in Mesa, Arizona.

11 3. In the expectation he would not be precluded from  
12 representing Respondents Rosenbaum and Swartz, Mr. Brooks  
13 was advised that Ms. DeLaRosa does not object to having the  
14 hearing held in July 2003.

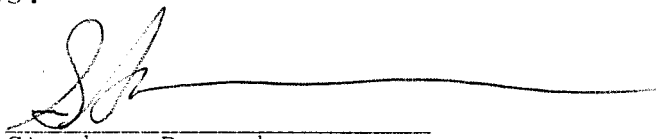
15 4. On March 23, 2003, Mr. Brooks advised that he is  
16 not able to represent Respondents Rosenbaum and Swartz  
17 because he had just learned that great limitations on his  
18 time are going to exist at his Company, thereby making it  
19 impossible for him to devote the time necessary to represent  
20 Respondents.

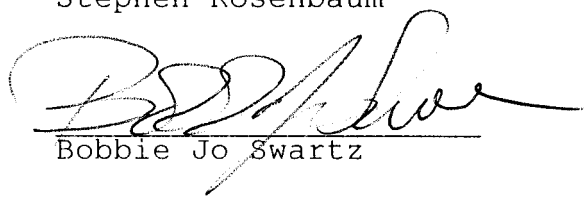
21 5. Respondents are not attorneys and are attempting to  
22 hire another attorney. It will be prejudicial to Respondents  
23 if the hearing takes place before they can hire an attorney  
24 to represent them at the hearing.

25 For the reasons stated in this Motion, Respondents  
26 request that the hearing be continued from March 26, 2003  
27 to July 2003.

28

1 Dated: March 24, 2003.

2  
3   
4 Stephen Rosenbaum

5   
6 Bobbie Jo Swartz

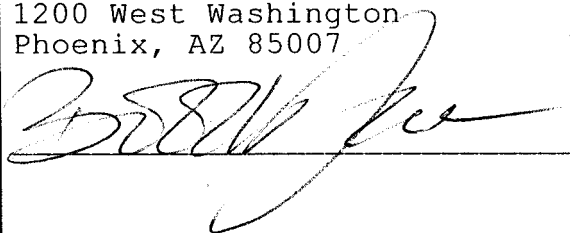
7  
8 ORIGINAL and 15 copies  
9 hand delivered this 24<sup>th</sup>  
10 day of March, 2003 with:

11 Docket Control Clerk  
12 Arizona Corporation Commission  
13 Hearing Division  
14 1200 West Washington  
15 Phoenix, AZ 85007

16 and copies also hand delivered  
17 on this same date to:

18 Administrative Law Judge Mark Stern  
19 Arizona Corporation Commission  
20 Hearing Division  
21 1200 West Washington  
22 Phoenix, AZ 85007

23 and

24 Kathleen C. DeLaRosa, Esq.  
25 Arizona Corporation Commission  
26 c/o Docket Control Clerk  
27 1200 West Washington  
28 Phoenix, AZ 85007  


# **RICHARD L. BROOKS, P.C.**

**Attorney and Counselor**

14821 North 73<sup>rd</sup> Street, Scottsdale, AZ 85260-3140

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**Admitted in:**

- Arizona
- Texas
- Illinois
- Colorado
- Wisconsin
- Minnesota
- Pennsylvania
- Washington, D.C.

## **FACSIMILE AND MAIL**

March 11, 2003

Kathleen C. DeLaRosa, Esq.  
Arizona Corporation Commission  
Securities Division  
1300 West Washington Street, 3<sup>rd</sup> Floor  
Phoenix, AZ 85007

Re: In re Non-Stop Shopping.Com., Inc. d/b/a 2c2k.com, et al.: A.C.C. Docket No. S-03427A-02-0000

Dear Ms. DeLaRosa:

This will confirm that I contacted you today and informed you that I am in the process of determining whether I shall become new counsel representing Respondents Stephen Rosenbaum and Bobbie Jo Swartz. You graciously said you have no objection to the entry of an Order continuing the hearing for forty-five (45) days from March 26, 2003 - i.e., until at least May 5, 2003 or some other date in May selected by the Administrative Law Judge. You authorized me to give this information to the Judge, and to inform the Judge that because of scheduling conflicts that you have, you believe the hearing should not be held before May 2003.

When we spoke, I told you that Mr. Rosenbaum and Ms. Swartz do not intend to default or to refrain from filing an Answer to the Commission's Notice of Opportunity for Hearing, etc. (the "Notice"). To protect the interests of Mr. Rosenbaum and Ms. Swartz, please consider this letter as a request for a time extension for them to answer or otherwise respond to the Notice. It is my present understanding that they deny all of the claims and allegations in the Notice in their entirety, and wish their denials to become part of the administrative record in this proceeding.

At this point, I am compelled to seriously question whether it was proper for the Commission to have had any dealings with Ohio attorney Roger A. Kimmel in any aspect of this proceeding, or to permit Mr. Kimmel's participation in the proceedings. Mr. Kimmel was undoubtedly practicing law in the State

Kathleen C. DeLaRosa, Esq.

March 11, 2003

Page 2

of Arizona, although to my knowledge and belief, Mr. Kimmel is not licensed to practice law in this State, and - under Rule 33(c) of the Rules of the Arizona Supreme Court - he had no right to appear, in any manner (by telephone, correspondence, or in person), or to otherwise deal with the Commission in any way on behalf of Mr. Rosenbaum or Ms. Swartz. (Naturally, Mr. Rosenbaum and Ms. Swartz were unaware of this or they would never have agreed to his participation in the proceedings and would never have followed his advice to appear at the Commission unaccompanied by any attorney.)

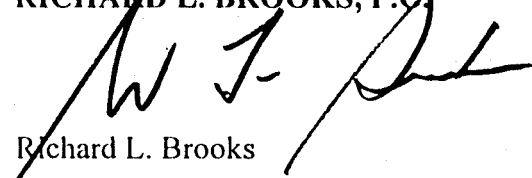
Because Mr. Kimmel's participation was unlawful under Supreme Court Rule 33(c), it was not proper for the Commission to have any dealings with him regarding the Commission's claims and factual allegations against Mr. Rosenbaum or Ms. Swartz. Mr. Rosenbaum and Ms. Schwartz were deprived of the effective assistance of counsel in a proceeding in which they were not competent to defend themselves, object to any of the questions they were asked, or understand the legal ramifications of any testimony they gave.

As we discussed, if I decide to represent Mr. Rosenbaum and Ms. Swartz in this proceeding, I shall file a Notice of Appearance, a separate Motion to Continue the March 26-27, 2003 hearing, and a public records request for any and all documents (including any statements or testimony that Mr. Rosenbaum and Ms. Schwartz made under oath) relevant to the Commission's claims and factual and legal allegations.

Again, thank you very much for the courtesies you extended to me today.

Sincerely,

RICHARD L. BROOKS, P.C.



Richard L. Brooks

RLB:mo

cc: Stephen Rosenbaum (w/encl. Notice of Opportunity, etc.)  
Bobbie Jo Swartz (w/encl. Notice of Opportunity, etc.)